

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MOSHE SILBER,</p> <p style="text-align: right;">Defendant.</p>	
---	--

Crim. No. 3:24-cr-00446-RK

**APPLICATION AND [PROPOSED]
ORDER MODIFYING CONDITIONS
OF RELEASE TO PERMIT ONE-TIME
HOLIDAY TRAVEL AND TO
CLARIFY THAT MR. SILBER MAY
USE CREDIT CARDS**

THIS MATTER having come before the Court on application of the Defendant Moshe Silber (“Mr. Silber”) for a modification of his conditions of release by and through his attorneys, Calcagni & Kanefsky, LLP, Eric Kanefsky, Esq.;

WHEREAS, Mr. Silber was charged by information with one count of conspiracy to commit wire fraud affecting a financial institution in violation of 18 U.S.C. § 371;

WHEREAS, pursuant to a plea agreement with the Government (ECF No. 6), Mr. Silber pled guilty to the above charge on July 9, 2024, and is currently awaiting sentencing;

WHEREAS, on July 9, 2024, the Court entered an Order that sets forth the conditions of Mr. Silber’s release (ECF No. 8) (the “Release Order”);

WHEREAS, two of the conditions of Mr. Silber’s release are that he may not travel outside the continental United States and that he was required to surrender all passports and travel documents to Pretrial Services;

WHEREAS, Mr. Silber is a devout Jew and dedicated family man, and he wishes to travel with his family to Israel between October 12 and October 29, 2024, for the Jewish holidays of Sukkot and Simchat Torah;

WHEREAS, Mr. Silber is requesting that he be permitted to travel to Israel from October 12 to October 29, 2024, and to be provided with his passport by Pretrial Services in advance of that planned travel (within the two business days prior to his departure flight);

WHEREAS, the Government and Pretrial Services (DNJ) have consented to Mr. Silber's request subject to the conditions set forth below;

WHEREAS, the Release Order provides that Mr. Silber must "[n]otify the United States, in advance and through counsel, of any prospective loan, credit charge, or line of credit, and notify all prospective lenders of the defendant's guilty plea in this matter" (the "New Credit Provision");

WHEREAS, Pretrial Services (DNJ) expressed concern that the New Credit Provision—and in particular its reference to "credit charge[s]"—could be interpreted to mean that Mr. Silber may not incur charges on a credit card without first notifying the United States, which was not the intent of the provision and which would be an unnecessary prohibition;

IT IS on this ____ day of September, 2024,

ORDERED that the Release Order be modified as follows:

- *first*, to clarify that the New Credit Provision does not prohibit Mr. Silber from incurring charges on a credit card; and
- *second*, to allow Mr. Silber to travel to Israel from October 12 to October 29, 2024, and to be provided with his passport by Pretrial Services in advance of that trip (within the two business days prior to his departure flight), subject to the conditions below:
 - (1) Mr. Silber will reside in an apartment in Jerusalem, Israel—located at an address provided to Pretrial Services (DNJ)—with his family for the duration of his stay in Israel; and

- (2) within two business days after his return to the United States, Mr. Silber must again surrender his passport to Pretrial Services.

IT IS FURTHER ORDERED that all other conditions of the Release Order shall remain in effect.

Hon. Robert Kirsch
United States District Judge